

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARIA GUADALUPE MARTINEZ,
individually and as legal representative of
the estate of DELFINO GARCIA, and next
friend of GEMMA GARCIA, a minor,
GRETCHELL GARCIA, a minor,
DELFINO GARCIA, JR., a minor, and
DELLA MACEDO, next friend of
EMELY PARTICIA GARCIA, a minor

VS.
DONNIE FOSTER, COMMUNITY
EDUCATION CENTERS, INC., d/b/a
CEC INTERNATIONAL INC., JAGDISH
A. SHAH, and JOHN DOES #1 - #35

CIVIL ACTION NO. 4:13cv59

ORDER OF DISMISSAL

This case was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation concluding that Plaintiff's case should be dismissed without prejudice¹. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Plaintiffs filed objections. Having made a *de novo* review of the objections raised by Petitioner to the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court. It is accordingly

ORDERED that Defendants' motions to dismiss (dkt #98, 99, 100) are **GRANTED**. It is also **ORDERED** that Plaintiff's complaint is **DISMISSED** without prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 31st day of March, 2016.

Richard A. Schell
RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE

¹The court declines to makes any determination concerning Mr. Garcia's children filing actions on their own behalf once they reach the age of majority.